



1647
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Vidal et al.
Appl. No.: 09/807,709
Filed: July 12, 2001
Title: PROTEIN FOR TREATMENT OR PREVENTION OF GI TRACT DISORDER
Art Unit: 1647
Examiner: F. Hamud
Docket No.: 112701-373

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST TO ADD INVENTOR WHO WAS ERRONEOUSLY OMITTED AS
INVENTOR IN THE PATENT APPLICATION AS FILED (37 CFR § 1.48(a))**

This request under 37 CFR § 1.48(a) is being submitted to add the name of a certain person erroneously omitted as an inventor in the above-identified application. The omitted person should be identified as an inventor of the invention now being claimed.

The patent application names Karine Vidal, Anne Donnet, and Eduardo Schiffrin as inventors. One inventor, Mario Labeta, was erroneously omitted, without deceptive intent, from being named as an inventor in the patent application. Therefore, Applicants respectfully request that Mario Labeta be named as an inventor in the above-identified patent application.

The additional inventor, Mario Labeta, was erroneously omitted from being named as an inventor on the Declaration in the patent application as filed on July 12, 2001. Thus, the error in inventorship in the Declaration arose without any deceptive intent on the part of Mario Labeta, or the named inventors. Accordingly, the following individuals should be listed as inventors of the above-identified patent application and any patent issuing therefrom:

Karine Vidal
Anne Donnet
Eduardo Schiffrin
Mario Labeta

A statement from the added inventor, Mario Labeta, that the error in inventorship occurred without deceptive intention on their part accompanies this request.

Applicants are also submitting herewith the requisite processing fee of \$130.00 under 37 CFR § 1.17(i). To the extent any additional fees are due and owing in view of this communication, Applicants respectfully request that the Patent Office charge Deposit Account No. 02-1818. Furthermore, to the extent the Patent Office requires any further information or documentation regarding this matter, Applicants respectfully request that the Patent Office contact the undersigned attorney.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett, Esq.

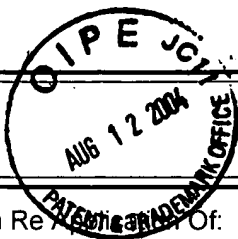
Reg. No. 30,142

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 807-4204

Date: August 9, 2004



**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
112701-373

In Reply, Please Refer to: Vidal et al.

Serial No.
09/807,709

Filing Date
July 12, 2001

Examiner
F. Hamud

Group Art Unit
1647

Title:

PROTEIN FOR TREATMENT OR PREVENTION OF GI TRACT DISORDER

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Request to Add Inventor Who Was Erroneously Omitted as Inventor in the Patent Application as Filed (2 pages);
Statement of Mario Labeta (1 page);
Executed Declaration and Power of Attorney (3 pages);
Check in the Amount of \$130.00 (Submission Fee); and
Return Receipt Postcard**

in the above identified application.

- ☒ No additional fee is required.
☐ A check in the amount of _____ is attached.
☒ The Director is hereby authorized to charge and credit Deposit Account No. _____
as described below.
☐ Charge the amount of _____
☒ Credit any overpayment.
☒ Charge any additional fee required.

02-1818

Signature

Dated: **August 9, 2004**

**Robert M. Barrett (30,142)
Attorneys for Applicants
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60690-1135**

I certify that this document and fee is being deposited
on 8/9/2004 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

Signature of Person Mailing Correspondence

Renee Street

Typed or Printed Name of Person Mailing Correspondence

CC:



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Alexandria, VA 22313-1450

STATEMENT OF MARIO LABETA PURSUANT TO 37 CFR § 1.48(a)(2)

Sir:

I, the undersigned, Mario Labeta, declare as follows:

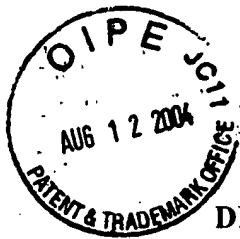
1. I reside at 70 Dartington Drive, Cardiff CF23 3SA, United Kingdom.
2. On July 12, 2001, the above-identified patent application was filed in the United States Patent and Trademark Office by the inventors of the subject matter of the patent application, Karine Vidal, Anne Donnet, and Eduardo Schifffrin.
3. I, Mario Labeta, was erroneously omitted as a named inventor of the subject matter of the above-identified patent application.
4. The error in inventorship in the Declaration arose without any deceptive intention on my part or on the part of the named inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and as such, willful false statements may jeopardize the validity of any patent that may issue from this application.

Respectfully submitted

Mario Labeta

11/6/04
Date

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROTEIN FOR TREATMENT OR PREVENTION OF GI TRACT DISORDER

the specification of which: (check one)

☐

is attached hereto.

☒

was filed on July 12, 2001, as United States Application No. or PCT International Application No. 09/807,709 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Number | Country | Day/Month/Year Filed | Priority Not Claimed |
|------------|---------|-------------------------|--------------------------|
| 98203501.6 | Europe | 20 October 1998 | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial No.

Filing Date

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

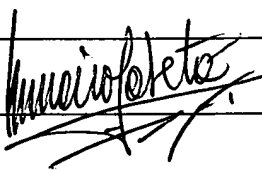
And I hereby appoint the practitioners at customer number:

29157

as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135

And all telephone calls be directed to: (312) 807-4204.

| | |
|--|-------------------------|
| Full name of fourth inventor Mario Labeta | |
| Fourth inventor's signature  | Date 11/06/04 |
| Residence Cardiff CF23 3SA, United Kingdom | |
| Citizenship Argentina | |
| Post Office Address 70 Dartington Drive | |
| Cardiff CF23 3SA, United Kingdom | |